IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 1534 of 2004

Between:

M/s. Veerabhadra Marbles rep., by its Proprietor-
Sri Banothu Veeru Naik, S/o. Dasu,
R/o. 7-3-7/2, Dwaraka Nagar,
Khammam District-507002.

..... PETITIONER

AND

1 The Director of Mines & Geology, Government of India,
8th Floor, BRKR Buildings, Tankbund Road, Hyderabad-002.
2 The Deputy Director of Mines & Geology, Warangal
Region, H.No.2-7-109, Central Excise Colony,
Subedari, Hanamkonda, Warangal-506 001.
3 The Assistant Director of Mines & Geology,
7-1-64/1, Dwarakanagar, Khammam-507 001.
4 The Collector, Khammam District-507 001.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more so one in the nature of Mandamus declaring the inaction on the part of the Respondents in not disposing of the quarry lease application dated 26.12.2002 for grant of lease of Marble in an extent of 4 acres in Survey No. 588/1 of Mondithogu Village, Yellandu Mandal, Khammam District as illegal, arbitrary violative of the provisions of A.P. Minor Mineral Concession Rules, 1966 and Article 14 of the Constitution of India and consequently direct the 1st respondent to dispose of the same within a fixed period of time in the interest of law and justice.

Counsel for the Petitioner: MR.PANNALA SRINIVAS

Counsel for the Respondents: Govt., Pleader for Industries.

The Court made the following:

ORDER:

The petitioner made an application dated 26.12.2002 to the office of the 2nd respondent through the 3rd respondent for grant of quarry lease for quarrying marble in an extent of ac.4-00cs in Sy.No.588/1 of Mondithogu Village, Yellandu Mandal, Khammam District. On receipt of the application, spot inspection, survey and demarcation of the applied area was done on 25.02.2003 in favour of the petitioner by 3rd respondent. Thereafter, 4th respondent conducted oral interview of all applicants including the petitioner on 27.02.2003 and the application of the petitioner was referred to the Mandal Revenue Officer, Yellandu Mandal, to send his report on classification and availability of the area applied to his office within 30 days from the date of receipt of the letter, but no report was received from the said Mandal Revenue Officer. Meanwhile, the inspection and survey of the applied area was conducted and proposals were submitted to the Director of Mines and Geology, Hyderabad, who returned the same through memo No.16560/R2-3/03 dated 17.12.2003 with a direction to submit the proposals along with the Mandal Revenue Officer's report. Accordingly, the Director of Mines and Geology, Hyderabad, reminded the Mandal Revenue Officer for his report through letter No.275/Q/03, dated 27.12.2003 and 13.02.2004.

In the counter-affidavit, it is stated by the Assistant Director of Mines and Geology, Kothagudem that immediately on receipt of the report from the Mandal Revenue Officer, the application of the petitioner will be processed.

The learned counsel for the petitioner invited the attention of this Court to G.O.Ms.No.181 Industries & Commerce (Mines-I) Department, dated 28.05.1998 wherein time limit of 30 days has been fixed to the Mandal Revenue Officer for sending the report.

In view of the above said G.O., the District Collector shall obtain a report from the Mandal Revenue Officer of Yellandu and forward the same to the Director of Mines and Geology within a period of two months from the date of receipt of a copy of this order. On such report, the 1st respondent shall pass appropriate orders on the petitioner's application.

The Writ petition is accordingly disposed of. No costs.

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(A.GOPAL REDDY, J)

29.06.2004
Note:
Furnish CC by
Three days.
B/O
DR

To

1 The Director of Mines & Geology, Government of India,
8th Floor, BRKR Buildings, Tankbund Road, Hyderabad-002.
2 The Deputy Director of Mines & Geology, Warangal
Region, H.No.2-7-109, Central Excise Colony,
Subedari, Hanamkonda, Warangal-506 001.
3 The Assistant Director of Mines & Geology,
7-1-64/1, Dwarakanagar, Khammam-507 001.
4 The Collector, Khammam District-507 001.
5 Two CCs to Govt. Pleader for Industries, High Court
of A.P., High Court Buildings, Hyderabad. (OUT)
6 Two CD copies
7 One spare copy